

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:06-cv-295

Furniture Distributors, Inc. d/b/a)
Kimbrell's,)
)
Plaintiff)
v.)
)
Voyager Life Insurance Company,)
)
Defendant.)
_____)

ORDER

THIS CAUSE coming on to be heard and being heard before the undersigned Judge of the United States District Court for the Western District of North Carolina, Charlotte Division, upon the parties' Consent Motion to Substitute Parties;

AND IT FURTHER APPEARING TO THE COURT that on July 21, 2006, Kimbrell's Distributors, Inc. d/b/a Kimbrell's ("Kimbrell's") filed a lawsuit against Voyager Life Insurance Company ("Voyager") alleging claims of bailment, money had and received/unjust enrichment, and conversion;

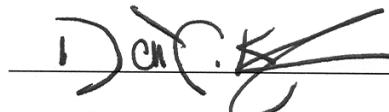
AND IT FURTHER APPEARING TO THE COURT that at the time Kimbrell's filed the lawsuit, it believed that Voyager was a proper party to the suit and a real party in interest;

AND IT FURTHER APPEARING TO THE COURT that on April 1, 2004, Voyager merged with American Bankers Life Assurance Company of Florida ("American Bankers") and American Bankers was the surviving corporate entity;

AND IT FURTHER APPEARING TO THE COURT that counsel for Kimbrell's, Voyager, and American Bankers have conferred and agreed that American Bankers Life Assurance Company of Florida is a proper party to this lawsuit and a real party in interest in this lawsuit and, therefore, is a proper Defendant;

NOW, THEREFORE it is **ORDERED, ADJUDGED AND DECREED** that the Consent Motion to Substitute Parties is **GRANTED** and American Bankers Life Assurance Company of Florida is hereby substituted for Voyager Life Insurance Company as a Defendant in this case.

Signed: June 21, 2007



David C. Keesler
United States Magistrate Judge



We Consent:

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